

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SCOTT PELLEGRINO, on behalf of himself and all others similarly situated; and CHRISTINE VANOSTRAND, on behalf of herself and all others similarly situated,

Plaintiffs,
- against -

NEW YORK STATE UNITED TEACHERS; UNITED TEACHERS OF NORTHPOR, as representative of the class of all chapters and affiliates of New York State United Teachers; NORTHPORT-EAST NORTHPOR UNION FREE SCHOOL DISTRICT, as representative of the class of all school districts in the state of New York; ANDREW CUOMO, in his official capacity as Governor of New York; BARBARA UNDERWOOD, in her official capacity as Attorney General of New York; JOHN WIRENIUS, in his official capacity as chair of the New York Public Employment Relations Board; and ROBERT HITE, in his official capacity as member of the New York Public Employment Relations Board,

Defendants.

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ECF Case

Docket No.
2:18-CV-03439
(JMA/GRB)

NOTICE OF MOTION
TO DISMISS

PLEASE TAKE NOTICE that upon the annexed affidavit of Robert Howard, dated January 11 2019, declaration of John H. Gross, dated January 21, 2019, the Memorandum of Law, dated January 21, 2019, and the attached exhibits, all submitted in support of this Motion to Dismiss the Complaint, and upon all prior pleadings and proceedings herein, the Defendant NORTHPORT-EAST NORTHPOR UNION FREE SCHOOL DISTRICT, by their attorneys, Ingerman Smith, L.L.P., will move this Court before the Honorable Joan M. Azrack, United States District Court Judge for the Eastern District of New York, at the United States Courthouse located at 100 Federal Plaza, Central Islip, New York 11722, in accordance with the parties' briefing schedule, for an Order pursuant to Rule 12(b)(1), (b)(6), and (b)(7) of the Federal Rules

of Civil Procedure, dismissing all causes of action against the District and for such other and further relief as the Court deems proper and just.

PLEASE TAKE FURTHER NOTICE that in accordance with the Court's Briefing Schedule of October 31, 2018, the Plaintiff will serve papers in opposition to this motion on or before April 22, 2019.

Dated: Hauppauge, New York
January 21, 2019

Yours, etc.
INGERMAN SMITH, L.L.P.
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NORTHPORT-EAST NORTHPORT
UNION FREE SCHOOL DISTRICT,

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